

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-207

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Complainant: No. 1399310210A

Judge: No. 1399310210B

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**ORDER**

The complainant alleged that a hearing officer rejected his affidavit as a process server and dismissed a case on that basis. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. The legal adequacy of a process server's affidavit is within the discretion of the judge to decide and outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 21, 2010.

FOR THE COMMISSION

/s/ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on October 21, 2010.

*This order may not be used as a basis for disqualification of a judge.*

CONFIDENTIAL

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2010-207

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 8-12-10

**Instructions:** Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ON 8-12-2010 I WAS CALLED BY 'KEN' WITH BUILDERS EXPLAINING THAT A JUDGE WHO LATER WAS IDENTIFIED AS \_\_\_\_\_ DISMISSING HIS CASE. KEN SAID THE JUDGE DISMISSED IT BECAUSE "THIS PROCESS SERVER DIDN'T EXPLAIN WHO HE SERVED" KEN REPLIED "JUDGE IT SAYS IT ON THE AFFIDAVIT" JUDGE RESPONDS "ITS NOT ENOUGH." SO NOW MY CLIENT IS OUT OF \$100.00 IN EXPENSES AND HE HAS TO START THE WHOLE PROCESS AGAIN WHICH CAN TAKE UP TO 12 DAYS. I'VE BEEN SERVING FORCIBLE DETAINERS FOR YEARS AND NEVER HAD THIS PROBLEM SO I LATER APPROACH THE JUDGE AND ASKED FOR REASON HE DISMISSED THIS CASE. HE REPLIED "NO DESCRIPTION" I SAID "JUDGE I DIDN'T SERVE A JOHN DOE IT WAS THE DEFENDANT I SERVED." HE SAID "NO DESCRIPTION" I INFORMED THE JUDGE "JUDGE I'M GOING TO FILE A COMPLAINT." MY CUSTOMERS ARE FEW AND TODAY I LOST ONE, BECAUSE MY INTEGRITY WAS IN QUESTION. IT LIKE HE DIDN'T BELIEVE THAT I SERVED THE DEFENDANT. I'VE BEEN SERVING FOR 4 YEARS AND I FEEL THAT MY AFFIDAVIT WAS SINGLED OUT MAY BECAUSE I'AM ONE OF THE FEW WHO HAND WRITES HIS AFFIDAVITS

/ process server

(Attach additional sheets as needed)